

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THERESA REGINA ANTHONY,)	
)	CASE NO. 1:12CV02706
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	<u>ORDER</u>

In the above-captioned case, an Administrative Law Judge (“ALJ”) denied Plaintiff Theresa Regina Anthony’s application for supplemental social security income after a hearing. That decision became the final determination of Defendant Commissioner of Social Security Administration when the Appeals Council denied Plaintiff’s request to review the ALJ’s decision. Plaintiff subsequently sought judicial review of the administrative decision, and this Court referred the case to Magistrate Judge William H. Baughman, Jr., for preparation of a Report and Recommendation pursuant to [28 U.S.C. § 636](#). At the briefing stage, Plaintiff, rather than filing a brief regarding the merits of the ALJ’s decision, filed a motion under sentence six of [42 U.S.C. § 405\(g\)](#) “to consider new and material evidence that was not submitted at the administrative level for good cause.” ECF No. [19](#) at 1. The magistrate judge, after reviewing the briefs submitted by the parties, the record, and the applicable law, recommended that Plaintiff’s motion to remand be denied. ECF No. [32](#). The magistrate judge made clear that his recommendation “address[ed] the motion without rendering a judgment ‘in any way’ on the present decision of the ALJ, and so without considering the Commissioner’s argument as to

(1:12CV02706)

whether that decision was supported by substantial evidence.” ECF No. [32](#) at 7.

[28 U.S.C. § 636](#) provides that a party may serve and file specific written objections within fourteen days after being served with the recommendations of the magistrate judge. Failure to object within this time waives a party’s right to appeal the district court’s judgment. [Thomas v. Arn, 474 U.S. 140, 145, 106 S. Ct. 466, 88 L. Ed. 2d \(1986\)](#). Moreover, 28 U.S.C. § 636 does not require a district judge to review a magistrate judge’s report to which no objections are filed. *Id.* at 149.

The Report and Recommendation was issued and filed on December 9, 2013. ECF No. [32](#). On December 23, 2013, Plaintiff filed a notice with the Court stating that she will not be filing objections. ECF No. [33](#). Moreover, the Court finds that the Report and Recommendation is supported by the record, and agrees with the magistrate judge’s recommendation.

Accordingly, the Court adopts the Report and Recommendation, and denies Plaintiff’s motion to remand.

IT IS SO ORDERED.

December 27, 2013
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge